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HOUSE BILL 23

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

Roberto "Bobby" J. Gonzales

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO SPECIAL EDUCATION; DEFINING TERMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-13-6 NMSA 1978 (being Laws 1972, Chapter 95, Section 2, as amended) is amended to read:

"22-13-6. SPECIAL EDUCATION--DEFINITIONS.--As used in the Public School Code:

A. "special education" means the provision of services additional to, supplementary to or different from those provided in the regular school program by a systematic modification and adaptation of instructional techniques, materials and equipment to meet the needs of exceptional children;

B. "exceptional children" means school-age persons whose abilities render regular services of the public school to

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1 be inconsistent with their educational needs;

2 C. "children with disabilities" means those
3 children who are classified as developmentally disabled
4 according to the Developmental Disabilities Act; ~~and~~

5 D. "gifted child" means a school-age person who is
6 determined to be gifted pursuant to Section 22-13-6.1 NMSA 1978
7 and standards adopted by the ~~[state board]~~ department pursuant
8 to that section. Nothing in this section shall preclude a
9 school district from offering additional gifted programs for
10 students who fail to meet the eligibility criteria; however,
11 the state shall only provide state funds for ~~[department of~~
12 ~~education approved]~~ department-approved gifted programs for
13 those students who meet the established criteria;

14 E. "related services" means the developmental,
15 corrective and other supportive services that are required to
16 assist a child with a disability to benefit from special
17 education. Related services include:

18 (1) speech-language pathology and audiology
19 services;

20 (2) interpreting services;

21 (3) psychological services;

22 (4) physical and occupational therapy;

23 (5) recreation, including therapeutic
24 recreation;

25 (6) early identification and assessment of

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1 disabilities in children;

2 (7) counseling services, including
3 rehabilitation counseling;

4 (8) orientation and mobility services;

5 (9) medical services for diagnostic or
6 evaluation purposes;

7 (10) school health services and school nurse
8 services;

9 (11) social work services in schools; and

10 (12) parent counseling and training; and

11 F. "related service provider" means a person who is
12 employed to assist children with disabilities to benefit from
13 special education, including:

14 (1) diagnostician;

15 (2) social worker;

16 (3) speech-language pathologist and speech-
17 language apprentice;

18 (4) physical therapist and physical therapy
19 assistant;

20 (5) occupational therapist and certified
21 occupational therapy assistant;

22 (6) audiologist;

23 (7) interpreter for the deaf;

24 (8) orientation and mobility trainer;

25 (9) school psychologist;

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- (10) therapeutic recreation specialist;
- (11) rehabilitation counselor; and
- (12) special education medical or nursing
services provider."